

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**SHANA DEFILIPPIS**

Plaintiff,

vs.

**WINDHAM PROFESSIONALS,**

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE THAT**, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendant, Windham Professionals ("WP"), by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action captioned as Shana Defilippis v. Windham Professionals, docket no. 17-cv-5711, as filed in the Court of Common Pleas of Lackawanna County, Pennsylvania ("the Action"), to the United States District Court for the Middle District of Pennsylvania, based upon the following:

1. On or about October 30, 2017 Plaintiff filed the Action in the Court of Common Pleas of Lackawanna County, Pennsylvania. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."

2. WP first received notice of the Action on November 6, 2017 when it was served with Plaintiff's Complaint.

3. Based on the foregoing, WP has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by WP pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that WP violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq., thereby asserting a claim that arises under federal law.

5. In that a cause of action alleged by Plaintiff arises from the performance of obligations of the parties within Lackawanna County, Pennsylvania, the United States District Court for the Middle District of Pennsylvania should be assigned the Action.

6. Pursuant to 28 U.S.C. § 1446(d), WP will file a copy of this Notice of Removal with the Clerk of the United States District Court for the Middle District of Pennsylvania, will serve Plaintiff's counsel with a copy of this Notice of Removal and will file the Notice of Removal in the Lackawanna County Court of Common Pleas.

**WHEREFORE,** Defendant, Windham Professionals notifies this Court that this cause is removed from the Court of Common Pleas for Lackawanna County, Pennsylvania to the United States District Court for the Middle District of Pennsylvania pursuant to the provisions of 28 U.S.C. §§1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN, P.C.**

By: 

RONALD M. METCHO  
2000 Market Street, Suite 2300  
Philadelphia, PA 19103  
(215) 575-2595 / (215) 575-0856 (f)  
rmmetcho@mdwgcg.com  
Attorneys for Defendant  
Windham Professionals

Dated: December 6, 2017

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Civil Action No.

**CERTIFICATE OF SERVICE**

I, Ronald M. Metcho, Esquire, do hereby certify that a true and correct copy of Defendant, Windham Professionals' **Notice of Removal** was served upon the below-listed counsel of record for Plaintiff by U.S. mail and electronic mail on December 6, 2017:

Joseph T. Sucec, Esquire  
PO Box 317  
Grantham, PA 17027  
joesucec@comcast.com

**MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN, P.C.**

By: 

RONALD M. METCHO  
Attorneys for Defendant  
Windham Professionals